

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
AVIRAM AZARI,	:	
	:	S1 19 Cr. 610 (JGK)
Defendant.	:	
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WHEREAS, on or about August 27, 2019, AVIRAM AZARI (the “Defendant”), was charged in a four-count sealed superseding Indictment, S1 19 Cr. 610 (JGK) (the “Indictment”), with conspiracy to commit computer hacking, in violation of Title 18, United States Code, Section 371 (Count One); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Two); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1) & (b), and 2 (Count Four);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 1030(i), of any and all property, real and personal, constituting or derived from, any proceeds obtained directly or indirectly, as a result of the offense charged in Count One of the Indictment, and any and all personal property that was used or intended to be used to commit or to facilitate the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Indictment included a second forfeiture allegation as to Counts Two and Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18,

United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts Two and Three of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts Two and Three of the Indictment;

WHEREAS, on or about April 20, 2022, the Defendant pled guilty to Counts One, Three and Four of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts One and Three of the Indictment and agreed to forfeit to the United States: (i) pursuant to Title 18, United States Code, Section 1030(i), a sum of money in United States currency, representing proceeds traceable to the commission of Count One of the Indictment; and (ii) pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), a sum of money in United States currency, representing proceeds traceable to the commission of Count Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$4,844,968.00 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One and Three of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Three of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Juliana Murray and Olga Zverovich, of counsel, and the Defendant and his counsel, Barry S. Zone, Esq., that:

1. As a result of the offenses charged in Counts One and Three of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$4,844,968.00 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One and Three of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant AVIRAM AZARI, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

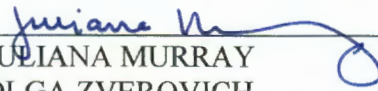
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:


DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 
JULIANA MURRAY
OLGA ZVEROVICH
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2314/2514

11/16/2023
DATE

AVIRAM AZARI

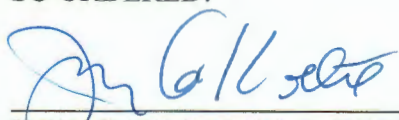
By: 
AVIRAM AZARI

By: 
BARRY S. ZONE, ESQ.
Attorney for Defendant
405 Lexington Avenue
New York, NY 10174-1299

11/16/23
DATE

11/16/23
DATE

SO ORDERED:


HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE

11/16/23
DATE